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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,067	08/05/2003	William C. DeLeeuw	5038-316	3434
20575	7590	04/07/2004	EXAMINER	
MARGER JOHNSON & MCCOLLOM PC 1030 SW MORRISON STREET PORTLAND, OR 97205			RIOS CUEVAS, ROBERTO JOSE	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/636,067	DELEEuw, WILLIAM C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Roberto J Rios	2836	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8 is/are rejected.
- 7) ☒ Claim(s) 2, 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/05/2003</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is required to update the status of parent application serial number 09/752,977 in the first sentence of the specification as: "now U.S. patent 6,642,629".

### ***Claim Objections***

2. Claims 2 and 3 are objected to because of the following informalities:  
  
As per claim 2, the fifth line should recite: "the base unit as a digital audio player".  
  
As per claim 3, the claim should recite: "output device includes a speaker",  
  
instead of "output device includes an a speaker".  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2, 3, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Rietmann (US patent 5,819,049).

As per claim 2, Rietmann teaches an audio system, comprising: a base unit (home computer, TV, home stereo, and car stereo) including at least one source of audio input (TV's, home stereos and car stereos inherently comprise of at least one source of audio input either by RF antenna receiving means or any other audio inputs commonly available such as cassette, CD, etc...); at least one output device operable to

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provide audio output (TV's, home stereos and car stereos inherently comprise of at least one source of audio output; i.e., speaker); and a removable faceplate (28) adapted to connect to the base unit, wherein the removable faceplate is operable independent of the base unit as digital audio player (col. 6, lines 1-6).

As per claim 3, Rietmann teaches interfacing the removable faceplate with at least one of a home stereo or a car stereo. Home and car stereos inherently possess at least one output device including a speaker.

As per claim 6, Rietmann teaches the base unit and the removable faceplate being operable to transfer digital audio files therebetween (col. 4, line 25; col. 4, line 48).

As per claim 7, Rietmann teaches (Figure 1) the removable faceplate being operable to download digital audio files from a separate host (25).

As per claim 8, Rietmann teaches the base unit being operable to download digital audio files from the removable faceplate to build a music library stored in the base unit (col. 6, line 27; claim 1).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rietmann in view of Brandenburg et al (An introduction to MPEG layer-3).

As per claim 4, Rietmann teaches playing digital audio in a MPEG format (col. 5, line 46) but does not specifically disclose using layer 3 format. However, Brandenburg et al (herein after Brandenburg) teach that MPEG Layer-3 audio signals are significantly compressed music signals with CD or near-CD quality, wherein Layer-3 provides lower complexity (Conclusions, page 14).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rietmann 's MPEG coding/encoding scheme with layer-3 MPEG format as taught by Brandenburg for the purpose of providing a CD or near-CD quality audio signal.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rietmann in view of Groeger et al (US patent 5,923,624).

As per claim 8, Rietmann teaches the removable faceplate but does not specifically disclose the removable faceplate being further operable as a voice recorder and wherein the base unit is operable to play voice recordings from the removable faceplate. However, Groeger et al (herein after Groeger) teach a vehicle removable faceplate operable as a voice recorder and wherein a base unit is operable to play voice recordings from the removable faceplate (Figure 1; col. 1, lines 27-38).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rietmann 's removable faceplate with Groeger's removable faceplate for the purpose of providing a dictation device that can be played through a vehicle sound system.

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8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rietmann in view of Nagashima et al (US patent 5,537,673).

As per claim 5, Rietmann teaches using the removable faceplate independent of the base unit but does not specifically disclose the faceplate comprising rechargeable batteries operable to be recharged when the faceplate is connected to the base unit. However, Nagashima et al (herein after Nagashima) teach a removable faceplate operable independent of a base unit comprising rechargeable batteries operable to be recharged when the faceplate is connected to the base unit (col. 3, line 63).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rietmann 's removable faceplate with Nagashima's rechargeable batteries for the purpose of powering the faceplate from a battery when detached from the base unit.

9. Art of general nature has been cited for applicant's review.

### **Communication with PTO**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rios whose telephone number is (571) 272-2056. In the event that Examiner Rios cannot be reached, his supervisor, Brian Sircus may be contacted at (571) 272-2800, ext. 36. The fax number for Before-Final communications and After-Final communications is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roberto J. Rios  
Patent Examiner